

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
NO. 3:06CR164-Whitney

FILED
CHARLOTTE, N. C.

DEC 27 2006

UNITED STATES OF AMERICA

U. S. DISTRICT COURT
MOTION UNDER SEAL W. DIST. OF N. C.

v.

MOTION TO CONTINUE

Rontrey Eric Digsby

Defendant, by and through undersigned counsel, moves this Honorable Court for an order continuing the docket call of this matter from the January 3, 2007 session of Court at 3 p.m. In support of this Motion, the Defendant shows the following.

The Defendant has been indicted for possession of a firearm by felon and was arraigned on that charge on August 9, 2006.

The Defendant has been providing substantial assistance to the FBI and undersigned counsel believes it is in this defendant's best interest to continue to provide that assistance.

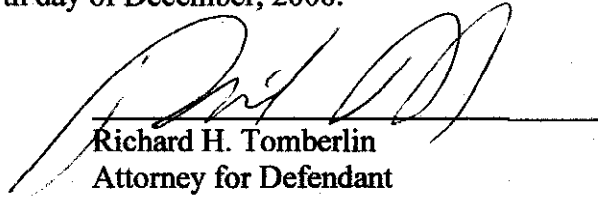
Kevin Zolot, the Assistant United States Attorney assigned to this case, joins in this motion and further requests this case be continued to the latest possible date.

The period of delay, if any, occasioned by this continuance should be excluded in computing the time within which defendant's trial must commence pursuant to 18 U.S.C. §3161 (The Speedy Trial Act) as the ends of justice served by any such delay outweigh the best interests of the public and the Defendant in a speedy trial.

Because the defendant's assistance is ongoing, and knowledge of that assistance by investigation targets could expose him to personal danger, this motion is made under seal.

WHEREFORE, based upon the foregoing, Defendant respectfully requests this Court to enter an order continuing this matter from the January 3, 2007 session of Court.

Respectfully submitted this 27th day of December, 2006.




Richard H. Tomberlin
Attorney for Defendant
N. C. State Bar No. 8060
301 S. McDowell Street, Suite 1210
Charlotte, North Carolina 28204
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CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing by either U.S. Mail or personal service on:

Mr. Kevin Zolot
Assistant United States Attorney
227 West Trade Street, Suite 1650
Charlotte, NC 28202

This the 27th day of December, 2006.



Richard H. Tomberlin